IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.6407 OF 2001

Dr.Shyamsundar Jha ..Petitioner
V/s
Union of India and others .. Respondents.

Shri M.M. Limaye for the petitioner.

Shri Girish Kulkarni with Smt.Swati Deshpande for repsondent Nos. 2 and 3.

CORAM : B.H. MARLAPALLE &
J.H. BHATIA, JJ.

DATE : 21ST NOVEMBER, 2006.

P.C.

. We have heard Shri Limaye, the learned Counsel for the petitioner, who is aggrieved by the Judgment and order rendered by the Central Administrative Tribunal, Mumbai Bench on 20/4/2001, whereby O.A No. 1089/1996 came to be dismissed.

2. The petitioner joined as a Lecturer in the Government College, Daman, on 16th December, 1975 and he also holds the Ph.D. Degree. The University Grants Commission formulated a scheme for carrier advancement of the college teachers with effect from 1/1/1986 and the Government of India Notified the said scheme by

Notifications dated 17/6/1987 and 22/7/1988. The Union Territory of Daman and Diu by Notification dated 4/1/1989 adopted the said scheme.

3. As per the scheme, if a lecturer had put in 8 years of service, he would get the benefit of the Senior Pay Scale of Rs. 3000-5000 and on completion of 16 years of service, he shall get the Selection Grade. In case, of a lecturer holding the Ph.D Degree, he would get the said benefit after 13 years of service. Undoubtedly, as per the last order dated 11/10/1986 and which was impugned before the CAT, the petitioner has been given the Selection Grade with effect to 16/12/1988. The Central Administrative Tribunal therefore, took the view that there was no injustice caused to the petitioner and in the case of respondent No.4, as his earlier service was taken into consideration, so as to decide the qualifying service for grant of selection grade. Having regard to the fact, that the petitioner had joined in December, 1975, he has been rightly given the selection grade by the Respondents and the impugned order therefore, cannot be termed as perverse or grossly erroneous, so as to call for interference at the hands of this Court and more so,

when the decision of the Supreme Court in the Case of **Dr. I.M. Illias and Others V. Indian Council of Agricultural Research and others (1993) 23 ATC page 340** has been rightly distinguished. The petition is therefore, rejected summarily.

(J.H. BHATIA, J.) **(B.H. MARLAPALLE, J.)**